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JOURNALS
OF THE
CONSULTATION

HELD AT

SAN FELIPE DE AUSTIN,

OCTOBER 16, 1835.

PUBLISHED BY ORDER OF CONGRESS.

HOUSTON.

1838.

TELEGRAPH POWER PRESS.

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JOURNALS.

COUNCIL HALL, December 25, 1835.

Resolved, That this revised Journal of the Proceedings of the Convention, be handed over to the printer for publication.

Agreeably to a resolution of the Convention, Mr. Mitchell was appointed to superintend the printing of the journal.

Passed at San Felipe de Austin, Dec. 25, 1835.

JAMES W. ROBINSON,

*Lieutenant Governor, ex officio President
of the General Council.*

COLUMBIA MEETING.

At an adjourned meeting of the citizens of Columbia, held in the town of Columbia, on Saturday the fifteenth day of August, Wm. H. Wharton, Esq. was called to the chair, and Wm. T. Austin appointed secretary, when the following resolutions were adopted.

Resolved, That a consultation of all Texas, through her representatives, is indispensable.

Resolved, That a committee composed of fifteen persons, to be called a *Committee of Safety and Correspondence for the jurisdiction of Columbia*, be elected, and that they be instructed to prepare an address to all the jurisdictions of Texas, requesting them to co-operate with us in the call of a consultation of all Texas.

Resolved, That the committee communicate with all Texas in the most prompt manner, by sending confidential agents to each jurisdiction, and that said committee keep the people constantly advised of all political intelligence of general interest, and that they continue to act until displaced by the people or the consultation.

Resolved, That we hold ourselves bound to pay our proportion of all expenses incurred by said committee, in sending expresses, printing, &c.

Resolved, That we invest the committee of safety and correspondence as our agents, with full power to represent the jurisdiction of Columbia, to use the most efficient means to call a consultation, and to use all means in their power to secure peace, and watch over our rights.

Resolved, That we will not give up any individual to the military authorities.

In compliance with the second resolution, the following gentlemen were elected a committee of safety and correspondence: John A. Wharton, W. D. C. Hall, Henry Smith, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams, Wm. H. Jack, F. A. Bingham, John Hodge, Wade H. Bynum, B. T. Archer, Wm. F. Austin, P. Bertrand, and Isaac T. Tinsley.

Resolved. That the proceedings of this meeting be published in the Texas Republican.

Resolved, That the thanks of this meeting be given to the chairman and secretary.

Resolved, That this meeting adjourn.

WILLIAM H. WHARTON, *Chairman*.

WM. T. AUSTIN, *Secretary*.

Agreeably to the foregoing resolution, the citizens of the several municipalities of Texas elected delegates to meet in general consultation on the fifteenth day of October, who this day convened.

CONVENTION ROOM, SAN FELIPE DE AUSTIN, }
October 16, 1835. }

The members having come to order, Mr. Royal, of Matagorda was called to the chair, and Samuel Whiting appointed secretary.

On motion of Mr. Everitt,

Resolved, That the members present their certificates of election, to the meeting, when the following gentlemen presented their certificates.

From the Municipality of Beril :

John Bevill, Wyatt Hanks, Thomas Holmes, S. H. Everett, John H. Blount.

From the Municipality of San Augustine :

A. Houston, Jacob Garrett, Wm. N. Sigler, A. E. C. Johnson.

From the Municipality of Harrisburg :

Lorenzo de Zavala, Clement C. Dyer, Wm P. Harris.

From the Municipality of Malagorda :

Ira R. Lewis, R. R. Royal, Charles Wilson.

From the Municipality of Viesca :

J. G. W. Pierson, J. L. Hood, S. T. Allen, A. G. Perry,
J. W. Parker, Alexander Thompson.

From the Municipality of Nacogdoches :

Wm. Whitaker, Sam. Houston, Daniel Parker, James W.
Robinson, N. Robins.

From the Municipality of Columbia :

John A. Wharton, Henry Smith, Edwin Waller, J. S. D.
Byrom.

From the Municipality of Austin :

Wyly Martin, Thomas Barnett.

On motion of Mr. D. Parker, the chairman was requested to communicate to the house such letters and documents as have been received from the army ; whereupon,

The chairman read to the house all such letters and documents as were in his possession.

On motion of Mr. Martin, the house adjourned until to-morrow morning.

October 17, 1835.

The house met pursuant to adjournment, and proceeded to business.

On motion of Mr. D. Parker, seconded by Mr. John A. Wharton, the following preamble and resolutions were unanimously adopted.

Whereas, there is not a sufficient number of members present to form a quorum of the consultation, owing to the members being absent in the army ; therefore,

Resolved, That the members present adjourn until the first day of next month, or as soon as a quorum can meet at this place, so as to afford an opportunity to those who may desire it to join the army in the defence of their country.

Resolved, That those who cannot join the army may remain here, with the permission to unite with the Council of Texas, and to have access to all the intelligence in possession of the Council relative to the present crisis.

Resolved, That they be requested to transmit all the information of importance to the several municipalities by which they have been delegated, and whatever else which of right they ought to do. Whereupon, the Consultation adjourned.

R. R. ROYAL, *Chairman.*

SAM'L WHITING, *Secretary.*

SAN FILIPE DE AUSTIN, Nov. 1st, 1835.

The General Consultation met pursuant to adjournment.

Mr. Royal, the chairman, called the house to order.

The roll having been called, the following members appeared and took their seats :

From the municipality of Bevil—John Bevil, S. H. Everitt, Wyatt Hanks.

From the municipality of San Augustine—William N. Sigler, A. Houston, A. E. C. Johnson.

From the municipality of Nacogdoches—Sam Houston, James W. Robinson, Dan'l Parker.

From the municipality of Columbia—John A. Wharton, J. S. D. Byrom, Edwin Waller.

From the municipality of Austin—Wiley Martin, Randall Jones, Thomas Barnett.

From the municipality of Liberty—Henry Millard, Claiborne West.

From the municipality of Harrisburg—Lorenzo De Zavala, M. W. Smith, Wm. P. Harris, John W. Moore.

From the municipality of Matagorda—R. R. Royall, Cha's Wilson.

From the municipality of Mina—D. C. Barrett, R. M. Williamson.

On motion, the house adjourned to ten o'clock to-morrow morning.

NOVEMBER 2nd, 1835, 10 o'clock, A. M.

The house met pursuant to adjournment. Several additional members appeared and took their seats.

A quorum not being present, the house adjourned to nine o'clock to-morrow morning.

NOVEMBER 3d, 1835, 9 o'clock, A. M.

The house met pursuant to adjournment. There being a quorum present,

On motion of Mr. S. Houston, the house proceeded to an election of president and other officers.

Whereupon, B. T. Archer was elected president, and P. B. Dexter, secretary.

Mr. Archer, on taking the chair, delivered the following address :

GENTLEMEN—I return you my thanks for the honor you have conferred on me. The duties which devolve on the members of this body are arduous and highly important ; in fact, the destinies of Texas are placed in your hands ; and I hope that

you are now assembled, in every way prepared to discharge those duties in a manner creditable to yourselves and beneficial to your country. I call upon each and all of you to divest yourselves of all party feelings, to discard every selfish motive, and look alone to the true interest of your country. In the words of the Hebrew prophet, I would say, "Put off your shoes, for the ground upon which you stand is holy." The rights and liberties of thousands of freemen are in your hands, and millions yet unborn may be affected by your decisions.

The *first* measure that will be brought before the house, will be a declaration in which we will set forth to the world the *causes* which have impelled us to take up arms, and the *objects* for which we fight.

Secondly. I will suggest for your consideration the propriety of establishing a provisional government, the election of a governor, lieutenant governor and council ; and I would recommend that these officers be clothed with both legislative and executive powers. This measure I conceive absolutely necessary to prevent Texas from falling into the labyrinth of anarchy.

Thirdly. The organization of the military requires your immediate attention. You have an army in the field whose achievements have already shed lustre upon our arms, they have not the provisions and comforts necessary to continue their services in the field ; give them character or their victories, though they are achieved not without danger and glory, will, nevertheless, be unproductive of good ; sustain and support them and they will do honor to you, and render incalculable services to their country ; but neglect them, Texas is lost. The adoption of a code of military laws is indispensable ; without discipline and order in the ranks, your armies will be mobs, more dangerous to themselves than to their adversaries, and liable at all times to be routed and cut to pieces by a handful of regulars. I know the men that are now in the field ; there never were better materials for soldiers ; but without discipline they can achieve nothing. Establish military laws, and like the dragon's teeth sown by Cadmus, they will produce armed men. It will be necessary to procure funds in order to establish the contemplated government, and to carry on the war in which we are now engaged ; it will, therefore, be our duty to elect agents to procure those funds. I have too high an opinion of the plain practical sense of the members of this body, to think for a moment, that they will elect any but some of our most influential citizens to this important post. Without funds, however heroically your

armies may fight, however wisely your councils may legislate, they will erect but a baseless fabric that will fall of its own weight.

There are several warlike and powerful tribes of Indians, that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction amongst them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them.

Permit me to call your attention to another subject. Some of our brethren of the United States of the north, hearing of our difficulties, have generously come to our aid, many more ere long will be with us; services such as they will render, should never be forgotten. It will be proper for this convention to secure to them the rights and privileges of citizens, to secure to them their land "in head rights," and place them on the same footing with those of our citizens who have not yet obtained from government their lands; and in all other respects to place them on an equal footing with our most favored citizens. Again, the path to promotion must be open; they must know that deeds of chivalry and heroism will meet their rewards, and that you will throw no obstruction in their pathway to fame.

Some fraudulent sales or grants of land, by the late government of Coahuila and Texas, will require your attention. The establishment of mails, and an express department, is deemed necessary to promote the interest of the country; besides other minor matters that have escaped my observation in this cursory review.

Finally. Gentlemen and friends, let me call your attention from these details to the high position which you now occupy; let me remind you that the eyes of the world are upon you; that battling as we are against the despotism of a military chieftain, all true republicans, all friends to the liberties of man, are anxious spectators of the conflict, or deeply interested in the cause. Let us give evidence that we are the true descendants of that band of heroes, who sustained an eight years' war against tyranny and oppression and gave liberty to a new world. Let our achievements be such that our mother country, when she reads the bright page that records them, shall proudly and joyfully exclaim, these are my sons! their heroic deeds mark them as such.

Again, gentlemen, let me admonish you that "the ground on which you stand is holy," that your decisions will affect the rights and liberties of thousands of freemen, and destinies of millions yet unborn, and perhaps the cause of liberty itself. I do not view the cause in which we are engaged, as that of freemen fighting alone against military despotism ; I do not view it as Texas battling alone for her rights and her liberties ; I view it in a nobler, more exalted light, I view it as the great work of laying the corner stone of liberty in the great Mexican republic.

On motion, Mr. Pettus was appointed sergeant-at-arms of the convention, with the privilege (in the event of his having more important duties to perform,) of appointing a deputy.

The following resolution, offered by Mr. S. Houston, was unanimously adopted:

Whereas, The general convention of all Texas, assembled, have learned with great pleasure, that a detachment of the army of the people, under the command of Col. James Bowie and Capt. J. W. Fannin, on the morning of the 28th of October, encountered a detachment of the army of General Cos, consisting of about four hundred men, cavalry and infantry, while their force only consisted of ninety-two, rank and file, near the mission of Conception, and obtained a complete victory over them. While the loss of the Anglo-Americans was one man dangerously wounded ; and the loss of the enemy, sixteen found dead on the field of battle, with the supposed loss of sixteen more borne off. Therefore,

Resolved, That the thanks of the convention be rendered to Gen. Austin, Col. James Bowie and Capt. J. W. Fannin, with the troops engaged in the action, as a tribute due to their heroism, gallantry and valor, in the defence of the rights of Texas and constitutional liberty.

Mr. E. Hall, agent of a committee in New-Orleans, presented certain documents, which were read, and on motion of Mr. Wharton, ordered that they be laid on the table.

On motion of Mr. Robinson, a committee of five was appointed to take into consideration the communications from the New-Orleans committee ; and Messrs. J. A. Wharton, S. Houston, Robinson, Royal and D. Parker were appointed on that committee, with instructions to report thereon.

Mr. Royal asked and obtained leave to read a report from the general council, containing an exhibit of the proceedings of that body.

SAN FELIPE DE AUSTIN, Nov. 1st, 1835.

To the honorable Consultation of the chosen delegates of all Texas, in general convention assembled—

The general council begs leave to report, that now on the organization of your honorable body the duties of the council terminate, and it is with much satisfaction that we surrender into your hands the records of our proceedings. In the discharge of its duties, it became necessary for the council to take the responsibility of acts of magnitude, if in doing so we have transcended the authority that was intended to be delegated to us, we hope that the liberality of your assembly will attribute it to *motives* of rendering important, if not indispensable, aid to the cause in which Texas is engaged.

As the most trivial acts of the council are on record, and too numerous to be couched in this report, it will present to your consideration at the moment, the most important acts, and those incurring the greatest responsibility, that you may improve or reform as your wisdom may approve.

On the fourteenth of October, Mr. Sims Hall was commissioned as contractor of the army, from whose report there are reasons to believe that upwards of one hundred beeves and a considerable quantity of corn meal are on the way, or repairing to head quarters; and as connected with this subject, we will also inform you that supplies of sugar, coffee, bacon, blankets, shoes, tent clothes, &c., have been forwarded from Columbia, Brazoria and Matagorda. But as winter is approaching, high water and bad roads may be expected, we, therefore, recommend that a large quantity be forwarded to head quarters or some convenient point.

We have reasons to believe that one eighteen pounder, and a twelve pounder of artillery are on the way, with a fair proportion of powder and ball.

We have authorised the raising of twenty-five volunteer rangers, to range between Colorado and Brazos, on the frontier settlements; twenty-five between Brazos and Trinity rivers, and thirty-five east of the Trinity river; promising each volunteer one dollar and twenty-five cents per day.

The council has made provisions for the collection of the public dues; on file marked G. This it will be necessary to take up and revise.

The council has ordered to be carried into effect, by subscription under certain regulations, a mail route from San Felipe

de Austin to Cantonment Jessup, in the United States, to head quarters of the army or to Bexar and to Velasco. This subject should, at a suitable time, be taken up, and branch routes be ordered. These resolutions are on file marked H; and to carry the project into effect, the council appointed John Rice Jones, post master general.

On the twenty-sixth of October the council drafted an address to the people of the United States of the north, which was forwarded to the editors at Natchitoches for publication, and will be found on file marked M.

On the twenty-seventh the council passed a resolution, requiring the suspension of the proceedings of the various land offices, for reasons therein stated, which will be found on file marked N, copies of which have been ordered to be served on all the land commissioners.

We authorised a contract for a loan of one hundred thousand dollars of the citizens of New Orleans, and appointed T. F. McKinney an agent to repair to New Orleans, and to carry it into effect, under instructions on file marked O.

On the thirty-first, the council received a number of letters from Thomas F. McKinney, and other gentlemen of the lower country, urging the necessity of the council granting letters to certain persons therein named, to cruise for Mexican armed vessels; which was granted and commissions issued, and a copy on file marked P, and accompanied with instructions marked G.

Our finances arising from the receipts of dues for lands, as will appear on file in Mr. Gail Borden's report, marked F, which were in his hands, is fifty-eight dollars and thirty cents; this money has been exhausted, and an advance by the president of the council of thirty-six dollars. There were also several hundred dollars in the hands of Mr. Money, the alcalde of the Municipality of Austin; upon this money several advances have been made by Mr. Cochran, and probably will nearly cover the amount of the money in the alcalde's hands; as such, you may consider that at this moment, the council is out of funds.

Two Mexican officers, prisoners of war, are now on parole of honor, having the privilege of the town of San Felipe; it will be necessary that the president or some appointed authority of your body have observation over them, as may be usual or necessary.

As some days may pass by before the consultation organize, a proper authority to receive and despatch expresses, the coun-

cil is of opinion should be attended to, and the council is of opinion that you should appoint a committee for that purpose.

With considerations of high regard, &c.

R. R. ROYAL,

President of the general council of Texas.

A. HOUSTON, Secretary.

On motion of Mr. S. Houston, the report from the general council was received, and a vote of thanks was unanimously tendered to the gentlemen composing the general council, for the faithful and able discharge of the arduous duties devolved on them.

On motion of Mr. Royal, it was

Resolved, That the address of this house be "The Consultation of the Chosen Delegates of all Texas, in General Convention assembled."

On motion of Mr. J. A. Wharton,

Resolved, That the president appoint a committee of twelve, composed of one member from each jurisdiction, to make a declaration, setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight.

In pursuance of the above resolution, the chair appointed the following, viz :

From the jurisdiction of Columbia,	J. A. Wharton.
" " Austin,	W. Meniffee.
" " Matagorda,	R. R. Royal.
" " Harrisburg,	L. de Zavala.
" " Washington,	Asa Mitchell.
" " Gonzalez,	W. S. Fisher.
" " Mina,	R. M. Williamson.
" " Nacogdoches,	S. Houston.
" " San Augustine,	A. Houston.
" " Bevil,	W. Hanks.
" " Liberty,	H. Millard.
" " Viesca,	S. T. Allen.

On motion of Mr. S. Houston, it was unanimously

Resolved, That the general consultation of all Texas approve of the disposition of the troops which arrived at Brazoria, under the conduct of Mr. E. Hall, from New Orleans, and that their most cordial thanks be presented to Mr. E. Hall, the committee, and the citizens of Louisiana, who so promptly and efficiently rendered their generous and manly assistance in our struggle for liberty against arbitrary power and despotism.

On motion of Mr. S. Houston, it was ordered that two

copies of the above resolution be handed to Mr. E. Hall; one to be retained by himself, and the other to be by him presented to the committee.

On motion of Mr. Barrett it was

Resolved, That a committee of three be appointed to contract with a printer for "the general consultation of all Texas, in convention assembled," and report the same to this body.

Whereupon, Messrs. Barrett, Everitt, and Robertson were appointed that committee.

On motion of Mr. Harris, it was

Resolved, That a committee of five be appointed to draft rules and regulations for the government of the general consultation of all Texas, in convention assembled, during its deliberations; and in pursuance of the above resolution, the president nominated the following members as composing said committee: Messrs. Harris, Barrett, Martin, Barnett, and Wharton.

On motion the house adjourned until nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, NINE O'CLOCK, A. M., }
November 4, 1835. }

The house met, pursuant to adjournment. The proceedings of yesterday being read, the house proceeded to business.

On motion of Mr. J. A. Wharton, one thousand copies of the proceedings of yesterday, with the address of the president on his being conducted to the chair, were ordered to be printed.

Mr. Harris, from the committee appointed to draft rules and regulations for the government of the consultation during its deliberations, reported the following, which were adopted.

To the honorable, the general consultation of all Texas, in convention assembled.

Your committee, to whom was committed the duty of drafting rules for the government of this body, make report of the following rules and regulations for your consideration; as follows:

RULE I.

The president shall take the chair after every adjournment, precisely at the hour to which the house has adjourned; at which time the members shall all be in their places.

RULE II.

The president shall cause the journals of the preceding day to be read every morning on the meeting of the convention.

RULE III.

The president shall preserve decorum and order, may speak

to points of order, and shall decide all questions of order, subject to an appeal to the house by any two members; on which appeal, no member shall speak more than once, unless by leave of the house.

Questions shall be distinctly put by the president, affirmatively and negatively, to the house, and if he doubt, or a division be called for, the house shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards the negative. If a count be required, the president shall name two members, one from each side to perform that duty, and report the same to the president, who shall state the same to the house.

RULE IV.

The president shall examine and correct the journal before it be read; he shall have a general direction of the hall; he shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

RULE V.

All committees shall be appointed by the president, unless otherwise directed by the house; in which case they shall be chosen by ballot.

RULE VI.

In case of any disorderly conduct of spectators, the president shall have power to order them to be dispersed.

RULE VII.

When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question in debate, and avoid personality.

RULE VIII.

If any member, in speaking, or otherwise, transgress the rules of the house, the president shall, or any member may, call him to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the house shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be final; and if in favor of the member called to order, he shall have the liberty to proceed; if otherwise, and the case requires it, he shall be liable to the censure of the house.

RULE IX.

When two or more members happen to rise at the same time, the president shall name the member who is first to speak.

RULE X.

No member shall speak more than once to the same question, until every member choosing to speak, shall have spoken; nor shall any member speak more than twice to the same question, without leave of the house.

RULE XI.

Every member who shall be in the house when the question is put, *shall* give his vote, unless the house shall, for special reasons excuse him.

RULE XII.

When a motion is made and seconded, it shall be stated by the president, or being in writing, shall be handed to the secretary, and be read aloud before debate; and every motion shall be reduced to writing if the president or any member desire it.

RULE XIII.

After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the house, but may be withdrawn at any time, before decision or amendment.

RULE XIV.

When a question is under debate, no motion shall be received, except to adjourn; and a motion to adjourn shall be always in order, but shall be decided without debate.

RULE XV.

The yeas and nays shall be taken and entered upon the journal of the house, when requested by any two members present.

RULE XVI.

Every resolution which may be presented by any committee or member, shall lie upon the table for one day, if required by any member present, and shall be separately considered by the house.

RULE XVII.

It shall be the duty of the sergeant-at-arms, or his deputy, to attend the house during its sittings, to execute the commands of the house from time to time, together with all such process issued by authority thereof, as shall be directed to him by the president.

RULE XVIII.

It shall be the duty of the secretary to keep a book, in which he shall seasonably record the motions, resolutions, rules and decisions of the house, and to do and perform all such other acts appertaining to his office, as may be required of him by the president of the convention.

RULE XIX.

The president shall not be permitted to vote upon any question before the house, unless when the members are equally divided, and then he shall give the casting vote.

RULE XX.

Two thirds of a majority of the members elect shall constitute a quorum to do business.

W. P. HARRIS, *Chairman*,
D. C. BARRETT,
WYLEY MARTIN,
THOMAS BARNETT.

November 3d, 1835.

On motion of Mr. Royal,

Resolved, That it shall be the duty of the secretary, to take charge of the papers and records of the committee of safety of Austin ; provide a copy of the resolutions of Columbia ; receive the papers and records of the council, and keep them till called for by the competent authority.

On motion of Mr. Parker, the following was added to the rules of the house :

Resolved, That after reading the proceedings of the preceding day, the standing committee's reports shall be the order of the day.

On motion of Mr. Martin,

Resolved, That the secretary be authorised to provide the necessary stationery for the use of this house, and charge it to the general consultation.

Mr. John A. Wharton, from the committee to whom was referred "the making a declaration setting forth to the world the causes that impelled us to take up arms, and the objects for which we are fighting," made a report.

On motion of Mr. Parker, the house adjourned to two o'clock, P. M.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment, and resumed the consideration of Mr. Wharton's resolution calling for a "declaration setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight." After some time spent in consideration of the above, the house, on motion of Mr. Williamson, adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 5, 1835, 9 o'clock, A. M.

The house met pursuant to adjournment ; the journals of yesterday's proceedings being read, the house proceeded to the order of the day, the consideration of Mr. Wharton's resolution.

Elijah Collard, from the jurisdiction of Washington, presented his certificate of election as a delegate to this consultation and took his seat.

Mr. Parker obtained the floor and addressed the house on the subject before it.

Mr. Barrett offered some remarks in reply to Mr. Wharton, and in favor of a declaration under the constitution of 1824. He asked and obtained leave to submit his further views in writing; and on leave being granted, his communication was referred to the committee of twelve.

Mr. Mitchell moved that Mr. Barrett be added to the committee of twelve; which was objected to, for the reason that one member only from each jurisdiction constituted that committee.

Mr. Robinson addressed the house at length in favor of a declaration of independence, but gave way for a motion from Mr. Everitt to adjourn, which was agreed to, and the house adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

The following gentlemen appeared and took their seats: from the jurisdiction of Washington, Jesse Grimes; from Viesca, A. G. Perry, J. G. W. Pierson and Alexander Thompson; from Nacogdoches, William Whitaker, and from San Augustine, Henry Augustin.

Mr. Everitt on leave from the house offered the following:

Resolved, That Lieutenant Colonel Sandoval, who is now in this town, a prisoner of war, be discharged on his parole of honor. Ordered to lie on the table one day.

Mr. S. Houston offered a resolution instructing the committee of twelve to draw a declaration in favor of the constitution of 1824, which was opposed by Mr. Wharton, and was withdrawn by the mover.

Mr. Robinson closed his remarks on Mr. Wharton's resolution.

Mr. Wood addressed the house in favor of a declaration under the constitution of 1824.

On a call from the house the president left the chair, and being requested, he gave his opinions in relation to the character of the declaration which should be adopted as a foundation for a provisional government. After which, on motion of Mr. S. Houston, the house adjourned to half past eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 6th, 1835.

HALF PAST EIGHT O'CLOCK, A. M. }

The house met pursuant to adjournment, the proceedings of yesterday being read.

The house took up the resolution offered yesterday by Mr. Everett, asking for the release of Lieutenant Colonel Sandoval on his parole of honor.

Mr. Wharton opposed the object of the resolution, which after some discussion, and the yeas and nays being demanded, was decided as follows, viz: Yeas, Messrs. Everitt, Zavala, 2; Nays, Messrs. Allen, Augustin, Barrett, Barnett, Burnham, Bevil, Byrom, Collard, Clements, Coe, Davis, Dyer, Fisher, Fuqua, Grimes, Harris, A. Houston, Hodges, Hanks, Horton, Hardin, Jones, Kellogg, Lester, Mitchell, Moore, Miller, Meniffee, Millard, Parmer, Pierson, D. Parker, Perry, Robinson, Royall, H. Smith, M. W. Smith, Thompson, J. A. Wharton, Waller, West, Wilson, Whitaker, Williamson, 45. Therefore the resolution was rejected.

Mr. Williamson asked leave to read his resolutions proposing a plan on which to found a provisional government; which was not granted; but the resolutions were referred to the committee of twelve.

Mr. Wharton asked leave of the house to offer some further remarks on his report, which, on a division being called for, was granted by the casting vote of the president.

Mr. Royal asked and obtained leave to read from Vattel reply to Mr. Wharton.

Mr. Everitt obtained the floor, and addressed the house in favor of a declaration under the constitution 1824.

Mr. Hoxie, from the jurisdiction of Washington, presented his credentials, and took his seat.

Mr. Mitchell called for the previous question.

The president, by request, explained to members, who had taken their seats since the debate on Mr. Wharton's report, what was the question before the house.

Mr. Williamson again asked leave to read to the house his plan of a provisional government. Leave was granted.

The previous question being again called for, it was put in the following form, as suggested by Mr. S. Houston: "All in favor of a provisional government, upon the principles of the constitution of 1824, will say aye."

Whereupon the vote stood as follows:

Ayes, thirty-three; noes, fourteen.

The president again put the question in another form:
 "All in favor of a declaration of independence will say aye."

Whereupon the vote stood as follows:

Ayes, fifteen; nays, thirty-three.

Mr. Wood moved to enter the ayes and noes on the journal; which motion, after some remarks by Mr. Wharton, he withdrew.

Mr. Barrett, from the committee to whom was committed the duty of contracting with a printer, made a report, which was read and adopted.

By vote of the house, the rule was suspended in this case, and Mr. Mitchell offered the following resolution:

Resolved, That as the enemy is near us, and the land office and public records are in imminent danger, that they be taken into possession, and safely guarded from enemies and fire.

Mr. Barrett moved its reference to a special committee, with instructions to report on the meeting this afternoon. Whereupon, the following members were appointed that committee: Messrs. Mitchell, Parmer, Jones, Barrett and D. Parker, to report on the meeting of the house this afternoon.

By vote of the house, the rule was suspended in this case, and Mr. Parmer offered the following:

Whereas, there are many soldiers who have volunteered their services to defend their country, have fallen sick on the way to the field, and as many in that situation may suffer, therefore be it

Resolved, That this body make some provisions to bear their expenses until they join the army, or return to their homes.

And be it also

Resolved, That a committee of five be appointed to provide for the necessities of our army and troops on the road generally, with authority to borrow money, or originate other debts for that purpose.

Which resolutions were adopted, and the following members appointed by the chair to compose that committee, viz :

Messrs. Millard, Royall, Clements, Harris and Williamson.

On motion of Mr. Barrett, the house adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Clements offered the following resolution:

Resolved, That the route of the rangers who are employed, or may be employed, to protect our frontier, shall be extended

from the Colorado river, their present limits, to the settlements on the Guadalupe river, &c.; and that a proportionate number of men be appointed for that purpose, equal to that employed on the balance of the frontier.

Which, on motion of Mr. Perry, was laid on the table one day.

The committee to whom was referred the subject for providing for the necessities of the army, beg leave to report that they have received of Thos. F. McKinny, by the hands of Dr. C. B. Stewart, a loan of five hundred dollars, of which they have expended, in payment of drafts on the authorities, the sum two hundred and thirty-eight dollars, as will appear by the accompanying account, which leaves a balance in the hands of Dr. Stewart of one hundred and sixty-two dollars, and one hundred left with Messrs. Robert Mills & Co., of Brazoria, leaving a balance on hand, in all, of two hundred and sixty-two dollars. Paid to express twenty dollars after making out the account, leaves two hundred and forty-two dollars.

HENRY MILLARD, *Chairman.*

R. R. ROYAL, *Secretary.*

On motion of Mr. Everitt, the committees to whom several matters were referred, were permitted to withdraw from the house, and attend to the duties of their several committees.

There being no business before the house, on motion of Mr. Everitt it stood adjourned until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

It being announced to the house that the president was seriously indisposed,

Whereupon Mr. Royal was called to the chair.

Mr. J. W. Parker, from the jurisdiction of Viesca, appeared and took his seat.

Mr. Wharton, from the committee of twelve, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. S. Houston, the house adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, 7th Nov. 1832.)

Nine o'clock A. M. }

The house met pursuant to adjournment.

The president being able to resume his duties, took the chair, and called the house to order.

The minutes being read of yesterday's proceedings,

Mr. Wharton asked and obtained leave to retire for a few minutes, with the committee of which he was chairman.

Mr. Wharton, with the committee of twelve, to whom was referred the duty "to make a declaration, setting forth to the world the causes that impelled us take up arms, and the objects for which we fight," having returned, made report.

The report being read, Mr. Wharton moved that it be submitted to the house, section by section.

The first section being read,

Mr. Parker moved that the word "republican" be inserted before principles, so as to read "republican principles;" which amendment was concurred in by the house.

The several sections of the report having been separately submitted, they were unanimously adopted, as follows:

**"DECLARATION OF THE PEOPLE OF TEXAS IN
GENERAL CONVENTION ASSEMBLED."**

Whereas, General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE,

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico, of eighteen and twenty-four.

2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties, but that they will con-

tinue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

6th. That Texas is responsible for the expenses of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward, by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

These declarations we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity.

Mr. Mitchell, from the committee appointed in pursuance of a resolution offered by him yesterday, reported progress, and asked and obtained leave to sit again.

Mr. Royal moved that five hundred copies of the report from the committee of twelve be printed.

Mr. Everitt proposed, as an amendment, one thousand be substituted for five hundred, which being accepted by the mover, Mr. Royal, was adopted by the house.

Mr. S. Houston moved that each member of this consultation sign the declaration made by the committee of twelve, (which, on the suggestion of the President, was laid over till the report be enrolled) as soon as enrolled.

Mr. Clements called up his resolution, offered yesterday, which being read, Mr. Perry proposed an amendment, which was accepted. Mr. Wharton moved its reference to a special committee.

Mr. Perry suggested, that as the permanent council had already acted on this subject, it might not, perhaps, be necessary.

On the suggestion of Mr. Royal, both the original resolution, as offered by Mr. Clements, and the amendment proposed by Mr. Perry, were withdrawn, and the following, embracing both, was offered by Mr. Clements:

Resolved, That a committee of five be appointed to report amendments to the acts of the council on the subject of rangers on the frontiers, and to extend the line from the Colorado to the Cibollo river.

Whereupon the following members were appointed that committee; Messrs. D. Parker, Clements, Lester, Perry and Martin.

The rule of the house being suspended in this case, Mr. Millard submitted the following:

Resolved, That a committee of twelve, one from each municipality represented in this consultation, be appointed by the president to draw up and submit a plan or system of a provisional government for all Texas; which was adopted.

In pursuance of the above, the president named the following members to compose that committee: Messrs. Millard, Jones, Wilson, Dyer, Hoxie, Lester, H. Smith, Arrington, Thompson, Robinson, Everitt and A. Houston.

Mr. Millard asked and obtained leave to retire with the committee of which he was chairman.

On motion of Mr. W. Smith, the house adjourned to two o'clock P. M.

TWO O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. S. Houston, in order to afford to the several committees time to prepare their reports,

The house adjourned until to-morrow morning 9 o'clock.

SAN FELIPE DE AUSTIN, Nov. 8, 1835.)

Nine o'clock A. M. }

The house met pursuant to adjournment.

The journals of yesterday were read and corrected.

Col. D. B. Macomb presented his credentials, and took his seat.

Mr. S. Houston moved that the members present sign "the declaration setting forth the causes of our taking up arms," reported by the committee, and adopted by the house yesterday, and that such members as were not then present, should be requested to put their signature to it at any convenient opportunity hereafter, which was concurred in by the house.

Mr. Wharton, from the committee to whom was referred the communications from "the committee at New Orleans, on the affairs of Texas," and the letter from A. C. Allen, making proposals to fit out an armed vessel, made the following reports, which were adopted:

Your committee, to whom was referred the papers and documents received from the committee at the city of New Orleans, presented by Mr. E. Hall, have had the same under consideration, and beg leave

TO REPORT:

That the communications from the committee of New Orleans, of which Wm. Christy and James Ramage, Esqrs. were

the acting members, contain information of the most important and flattering nature. The committee informs us that one company of fifty men, well armed and provided, will leave there on the 21st ultimo, to go *via* Natchitoches—another, numbering sixty-five, would accompany Mr. Hall; “and a vessel well furnished and manned, by about one hundred and fifty efficient emigrants, would sail about the 27th ultimo for Tampico, under the command of General Mexia.” The committee, in conclusion, say to us, “with such acquisitions to your present force and resources, we trust that matters will be brought to a speedy and glorious termination. God be with you.” Mr. Hall in his statement to this committee says, “that the amount subscribed by the citizens of New Orleans, previously to his leaving, was about seven thousand dollars—three thousand five hundred of which was expended by him in arming and equipping, &c. one hundred men, and furnishing provisions, saddles, bridles, &c. to sixty-five of that number, called the Volunteer Grays, who accompanied him to Brazoria, and immediately repaired to Goliad. The fifty men sent to Nacogdoches were furnished with arms and equipments, only trusting to the inhabitants of the country through which they may pass, for further necessary supplies; “and that seventy-eight barrels of navy bread, two barrels of beans and two barrels of pork, for the use of the army, to be forwarded as the convention may deem proper,” were left in the hands of E. Andrews, Esq. at Brazoria. He further states that, that “the committee at New Orleans were daily receiving subscriptions, which are probably augmented to ten or fifteen thousand dollars, to be expended in further supplies of arms, ammunition, &c. &c. There are also volunteer companies being formed for the service of this country, and are only waiting for communications from your convention to tender their immediate services.

Your committee, therefore, recommend the adoption of the following resolution:

Be it resolved by the consultation of the chosen delegates of all Texas in general convention assembled, That the following letter be signed by the president and secretary, and be forwarded by Mr. E. Hall to the committee at the city of New Orleans.

SAN FELIPE DE AUSTIN, Nov. 6th, 1835.

Gentlemen: We received your communication of the twentieth ultimo, and accompanying papers, by Mr. E. Hall, and for them this convention is happy to learn that the patriotic and liberal citizens of the city of New Orleans have so generously

extended their munificent hand, in timely aid of their brethren in Texas, who are now battling under the walls of San Antonio for constitutional liberty and the rights of man, as did their forefathers of the north on Bunker's Hill and on Charlestown plains, and as your own brave citizens did against a mercenary soldiery, who fought for "booty and beauty."

This consultation of the chosen delegates of all Texas in general convention assembled, deeply impressed with a sense of gratitude for the succor that has been sent, and for the sympathy that has been manifested for our citizens who are threatened by the military despot of Mexico, that unless they yield unconditional submission they shall feel the iron rod of unrelenting oppression, tender their most grateful acknowledgements to the citizens of your city for their kindness and fraternal feeling and interposition, and we trust that no act of ours will ever cause a blush of shame upon their cheek at the remembrance of the early support they gave the cause of free institutions in Texas.

Any who embark in our cause, in the army or navy, shall be liberally rewarded in land and money, and in the blessings of a grateful and redeemed people. We would solicit a continuance of your kind offices, until we are delivered from the unhallowed grasp of our oppressors, and put in undisputable possession of our unalienable rights. And we would respectfully suggest, that in sending us any supplies of men, money or munitions of war, that you direct them not to land west of the bay of Matagorda, and perhaps the mouth of the Brazos river would be the most advisable point to land whatever support our friends may send, to enable us to defend the rights guaranteed by the constitution of 1824.

The address of the president of the convention, on taking the chair, which is herewith transmitted, will give you and through you, the citizens of Louisiana, a succinct view of the objects for which this body has assembled.

Signed by order of the consultation of the chosen delegates of all Texas, in general convention assembled.

The committee to whom was referred the letter of Mr. A. C. Allen, containing proposals to arm, man and fit out a vessel mounting nine guns, and fifty stand of small arms, with fifty volunteers on board and four months provisions, to cruise off our coast as a privateer; have had the same under consideration, and beg leave to

Report, That they view the protection and defence of our seaboard of the greatest importance in the present crisis; they

would, therefore, respectfully recommend the adoption of the following resolutions:

Be it resolved By the consultation of the chosen delegates of all Texas in general convention assembled, That the proposal of Mr. A. C. Allen, to cruise off our coast, with such vessel as he may think proper to arm and man as a privateer be accepted by this convention, and that all the authority vested in this body be given and granted unto the said Allen to cruise as aforesaid.

Be it further resolved, That the president of the convention inform Mr. Allen of the acceptance of his proposal, and that a suitable commission will be placed in his hands on his application to the executive.

Be it further resolved, That the thanks of this convention be tendered to Mr. Allen, for his patriotism and devotion in our struggle for constitutional liberty, and that the president cause a copy of the foregoing resolutions to be communicated to Mr. Allen.

Mr. Millard from the committee of twelve to whom was committed the duty "to draw up and submit a plan or system for a provisional government for all Texas," reported progress, asked and obtained leave to sit again.

On motion of Mr. A. Houston,

Resolved, That there be a person appointed to translate such documents or proceedings of this house as may be required. Mr. Zavala tendered his services under the above resolution, which were accepted.

The president presented certain papers and letters from officers of the army of the people, which Mr. Wharton, by request of the chair, read to the house, and then moved their reference to the military committee, which was concurred in.

Mr. Barrett moved that Governor Zavala be requested to translate into Spanish the declaration for a provisional government, and that five hundred copies thus translated be printed for distribution among our Mexican fellow citizens of the republic. Which motion was concurred in.

Mr. Barrett moved an adjournment until nine o'clock to-morrow morning; but before the motion was put Mr. Williamson moved that Mr. Macomb be added to the military committee, which was agreed to.

The question was then put on adjournment, whereupon a division was called for, and was decided as follows, ayes 27, noes 22; so the house adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 9th, 1835.}

NINE O'CLOCK, A. M. }

The house met pursuant to adjournment, the journals of yesterday's proceedings were read.

Mr. Zavala desired the secretary to omit in the proceedings of this body the title of governor, by which he had heretofore been distinguished.

On motion of Mr. Robinson, the secretary was directed to erase from before the name of any member of this house any title which may have been given, when such title may appear on the journals of this consultation.

Mr. Parker from the committee to whom was referred the resolution of Mr. Clements respecting the rangers, made report, which was read and adopted, as follows:

The committee to whom was referred the resolution of Mr. Clements, on the subject of a line of rangers from the Neches river to the Colorado, has had the same under consideration, and beg leave to report the following resolution:

Resolved; That we recognise the acts of the general council on that subject, sufficient for the present emergency. That said line of rangers be extended from the Colorado river to the Cibollo, with a company of twenty rangers under the superintendence of G. W. Davis, who shall be governed by the same resolutions and instructions of the other superintendant heretofore given; and that the said George W. Davis, make his place of rendezvous at the place known by the big spring or head of St. Mark's river.

From the information before your committee, they recommend that the acts of Silas M. Parker, in the organization of the company of rangers under his superintendence, before they reached the proper place of rendezvous, be recognized; and that the said S. M. Parker be authorized to add ten more men to the company, by and under the former authority and rules.

Your committee further recommend that the said superintendant be authorised to draw upon John Lott, at Washington, (with whom there is a considerable quantity of ammunition deposited,) for ammunition sufficient to supply their several companies, or at such other places as public ammunition may be deposited.

DANIEL PARKER, Chairman.

Mr. Millard from the committee of twelve, to whom was committed the duty "to draw up and submit a plan or system for a provisional government for all Texas," stated to the house

that the business of the committee had been entrusted to two sub-committees, both of which were ready to report through their respective chairmen.

Whereupon, Mr. Henry Smith read to the convention the plan for the civil department of the government, and Mr. A. Houston read the plan for the proposed military arrangement. These comprising the entire report, were submitted to the house by the chairman.

Mr. Parmer moved, that that part of the report relating to the military department, be laid on the table until two o'clock, P. M.

Mr. Barrett thought it advisable to pursue the same course in relation to the proposed civil arrangement. Whereupon a division being called for, the ayes were thirty-three; so the entire report was ordered to lie on the table until two o'clock P. M.

Mr. S. Houston moved, that the chairman of each sub-committee, under the committee of twelve, read again to the house the report of his particular department of the proposed government, which was agreed to.

Mr. Hanks submitted the following: *Whereas*, a portion of the settlers on Red River, within the limits of the state of Texas, who have not been notified of the proceedings growing out of the invasion of our constitutional rights, by a lawless usurper General Santa Anna.

Be it resolved, That these people be invited to co-operate with us in the declaration proclaimed by this consultation, and that a copy of this declaration be furnished them, and to all the states of the Mexican republic.

An amendment was offered by Mr. Barrett, to add "and to each municipality of the department of Bexar."

Messrs. Robinson and Williamson urged its adoption by the house.

Mr. S. Houston asked and obtained leave to read part of a certain printed circular.

Mr. Martin urged the propriety of its being received.

Mr. Barrett moved the following amendment, which was accepted by the mover of the original resolution, Mr. Hanks, "and to the people of each municipality of the department of Bexar."

Whereupon the question was then put, as respects the resolution and its amendment, and was unanimously adopted.

On motion of Mr. Robinson,

Resolved, That a committee of five be appointed to enquire

into the expediency of authorizing an agent to purchase arms, ammunition, &c., and to invite volunteers to come to our aid, with power to report by resolution or otherwise, which was adopted.

On motion of Mr. Jones,

Resolved, That the volunteers now in service under the command of general Stephen F. Austin, who continue in service until the reduction of San Antonio, or until they receive an honorable discharge, shall be entitled to fifteen dollars per month, from the time they left their homes until they return to them.

Mr. Parmer proposed the substitution of twenty for fifteen, which was accepted.

Mr. Royal offered the following amendment.

"And shall also receive such other donations of land as this government shall vote them for their patriotism, and be remunerated for all losses of private property or money expended in the service of our country," which was also accepted.

The resolution, with amendments, by rule of the house was laid on the table for one day.

On motion of Mr. Williamson, the house adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

On motion of Mr. J. W. Parker,

Resolved, That the president be requested to authorize Mr. S. M. Parker to engage ten rangers in addition to his present number, (twenty-five) under the regulations adopted by the general council, also to empower Mr. G. W. Davis to raise twenty rangers, agreeably to the resolutions and arrangements made by this convention, which was adopted.

Mr. Whitaker moved a reconsideration of the above, which was agreed to.

Mr. Barrett moved that the original resolution be referred to the committee which reported on this subject this morning, but which, on the suggestion of Mr. Martin, he withdrew.

Mr. D. Parker then moved that the president cause to be made out orders in pursuance of the report and resolutions on this subject, received and adopted by this house this morning, which was concurred in.

The order of the day was then called up, being the consideration of the report of the committee of twelve, when Mr.

Everitt moved its suspension, in order to afford the minority of that committee an opportunity to read their report.

Whereupon a division being called for, the vote was for suspension, twenty, and against, twenty-one, so the house proceeded to the consideration of the report of the committee of twelve.

Mr. Henry Smith having read the preamble to the report, Mr. Barrett moved to strike it out. The question was then put, when a division was called for, and it was ordered to be stricken out.

Mr. Collard moved that the report be referred to a committee of five, which was agreed to.

The president wished that the house would elect that committee.

On motion, the rule was in this case suspended, and the following persons were appointed the committee by the house: Messrs. Barrett, Hanks, Williamson, D. Parker, and Zavala.

On motion of Mr. S. Houston, the committee were permitted to withdraw from the service of the house, to prepare and submit their report as soon as possible.

On motion of Mr. H. Smith, *Resolved*, That the consultation of the chosen delegates of all Texas, in general convention assembled, viewing with the highest sense of gratitude the disinterested, bold, manly patriotic, and energetic measures adopted by our friend, captain E. Hall, late of New Orleans, for the purpose of aiding Texas in her struggle for constitutional liberty, therefore,

Be it resolved, That, as a tribute of respect to captain Hall, for his kind interposition in our behalf, that he is hereby authorized to locate one league of land on any of the public domain of Texas, not otherwise appropriated; and that a copy of these resolutions be furnished to captain E. Hall, signed by the president and secretary of this body, which resolutions were unanimously adopted.

Mr. Robinson, from the committee to whom was referred the subject "of the propriety and expediency of authorizing an agent to purchase arms, &c.," made the following report, which was read and adopted.

Your committee to whom was referred the resolution to enquire into the expediency of authorizing an agent to purchase arms, ammunition, &c., and to invite volunteers to come to our aid, with leave to report by resolution or otherwise, have had the same under consideration, and are ready to report,

That the safety of our country requires that additional supplies of cannon, mortars, ammunition, and suitable equipages are indispensably necessary; and that an agent ought to be immediately appointed for that purpose, and that they therefore advise the adoption of the following resolution.

Be it resolved, by the consultation of the chosen delegates of all Texas, in general convention assembled, that Mr. E. Hall, the agent of the committee of New Orleans, be, and he is hereby authorized to purchase two long eighteen pound cannon, with all the necessary equipage, completely mounted on carriages, suitable for the field service, with two hundred rounds of powder, and round ball for each cannon; and that he be authorized to purchase one twelve inch howitzer, well mounted, with the necessary equipage for field service, with two hundred bombshells, suitable to the calibre of the same: and that he be authorized to call upon the committee at New Orleans, for money to pay for the same; and that he be instructed to return to this country, with the said supplies, with all possible despatch; and that the president of this convention be requested to cause a copy of the foregoing resolutions to be transmitted to Mr. Hall.

On motion of Mr. S. Houston, the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, EIGHT O'CLOCK,
November 10, 1835.

The house met pursuant to adjournment.

The Journals of yesterday's proceedings being read,

Mr. Barrett, from the special committee of five, to whom was referred the report of the committee of twelve, made report.

The plan of the civil and military department of the proposed provisional government having been read,

On motion of Mr. M'Comb, it was *Resolved*, That the house go into committee of the whole, for the purpose of considering said report, when

Mr. Martin was called to the chair. After some time the committee rose, and through their chairman, Mr. Martin, reported progress.

Mr. M. W. Smith moved that the reports of the committees of twelve and five be referred to a select committee of five.

Mr. S. Houston opposed the re-committing of said report to a committee of five: was lost.

Mr. Whitaker moved, and it was *Resolved*, That the house

go again into a committee of the whole, for the purpose of considering the reports of the committees of twelve and five, upon the subject of a plan of a provisional government.

Mr. Robinson was called to the chair, and after some time spent in discussion, the committee rose, and through their chairman reported that they had adopted the report of the committee of five, as the basis whereon to report the plan of a provisional government for Texas, founded upon the declaration of this body of seventh November instant.

On motion the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 11, 1835. }
Eight o'clock, A. M. }

The house met pursuant to adjournment.

The journal of the proceedings of yesterday was read.

Mr. Robinson, from the committee of the whole house, to which had been referred the reports of the committees of twelve and five, made report,

That they had had the same under consideration, and begged leave to offer the following to the house, viz: that they had adopted the report of the committee of five, as the basis whereon the plan of a provisional government for Texas, founded upon the declaration of this body of the seventh inst., which he now reported and offered to the house.

The house then took up the report from the committee of the whole, when the first section of the civil department being read, was adopted.

The second section was read, amended, and adopted.

The third section was read, amended, and adopted.

The fourth section was read and adopted.

The fifth section was read, amended, and adopted.

The sixth section was read, amended, and adopted.

The seventh section was read and adopted.

The eighth section was read and adopted.

The ninth section was read and adopted.

The tenth section was read, amended, and adopted.

The eleventh section was read and adopted.

The twelfth section was read and adopted.

The thirteenth section was read and adopted.

The fourteenth section was read, and on motion was divided, so that the question should be taken on each clause, separately.

Before the question was put on the adoption, the house,

on motion of Mr. Williamson, adjourned to half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

The question was resumed upon the fourteenth section of the report of the committee of the whole.

The first clause was read and adopted.

An amendment offered to the second clause, by Mr. Williamson, was rejected.

Mr. D. Parker moved that the latter clause of this section be not acted upon by this house before to-morrow morning at nine o'clock, which motion was lost.

The latter clause of the fourteenth section was again read, and on motion of Mr. Mitchell adopted.

Mr. S. Houston moved that the fourteenth section be so amended as to require the commissioners to be appointed under that section, to demand and take in charge all public documents, particularly those in the hands of the political chief of the department of Nacogdoches; and that the said political chief cease his functions immediately; which was concurred in.

Mr. Barrett offered an amendment, which was received.

The fifteenth section was read and adopted.

The sixteenth section was read and adopted.

The seventeenth section was read and adopted.

Mr. D. Parker offered an amendment to this section, which was lost.

Mr. Robinson offered the following as an additional section, to be called section eighteenth, which was adopted, viz:

Section 18. All grants, sales, and conveyances of lands, illegally or fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

Mr. Everitt offered an additional section, to be called section nineteen, which was adopted, as follows:

Section 19. That all persons who leave the country in its present crisis, with a view to avoid a participancy in its present struggle, (without permission of the alcalde or judge of their municipality,) shall forfeit all or any lands they may hold or have claim to, for the benefit of this government: *provided, nevertheless,* that widows and minors are not included in this provision.

Mr. A. Houston offered an additional section, to be called

section twenty, fixing the time and place of the re-assembling of the consultation, which was adopted.

The report of the military department was then taken up.

The first section was read and adopted.

The second section was read and adopted.

The third section was read, and the amendment offered by Mr. Parmer being rejected, was adopted.

The fourth section was read and adopted.

The fifth section was read, amended and adopted.

The sixth section was read, amended and adopted.

The seventh section was read and adopted.

The eighth section was read and adopted.

The ninth section was read, amended and adopted.

The tenth section was read, amended and adopted.

The eleventh section was read, amended and adopted.

The twelfth section was read, amended and adopted.

Mr. S. Houston, from the select committee of three, to whom was referred our relations with the Cherokee Indians and their associate bands, made report.

On motion of Mr. Barrett, it was received and adopted.

Mr. S. Houston moved its recommitment, that a declaration may be drawn up, as recommended in the report, to be signed by the members of this consultation.

Mr. Hanks from the committee to whom was referred the resolution having for its object an invitation to the settlers on Red River to join in our declaration of the 7th November, made the following report, which was read, amended and adopted, as follows, viz:

The committee to whom was referred the matter in regard to a portion of our settlers on Red River, within the limits of Texas, as also of that portion of Texas not represented in this convention,

REPORT:

That as the settlement on Red River is remote from the other settlements in Texas, that they be formed into a separate municipality, and that they be invited to send delegates to this convention, which is to meet on the first day of March next, and that they elect immediately, and send a member to the council of Texas.

And further recommend, that they co-operate with the governor and council, and that they forthwith raise and send into the field, in defence of their rights, a reasonable proportion of men. And that the people in the department of Bexar, and

all other parts of Texas, not represented in this body, be invited forthwith to send delegates to the council, and also to the convention, to sit on the first day of March next. And that all parts of Texas that have not raised troops, and sent them to the aid of their countrymen, that they be immediately requested to do so.

On motion of Mr. Parmer.

Resolved, That the district of Tenchaw be set off into a municipality, and that the town of Nashville be their seat of justice.

Resolved, That there be an ayuntamiento elected immediately after the passage of this resolution; and that Messrs. Jonathan Tucker and Jonas Harris be appointed to hold their elections.

Which resolutions were adopted.

The resolution offered by Mr. Jones, on the ninth instant, was then called up, together with the amendments which had been accepted, and was adopted.

Mr. Barrett submitted the following:

Whereas, the publishers of the "Telegraph and Texas Register" represent that they have not exceeding three hundred subscribers; which, admitting all to be responsible, would not amount to thirty dollars per week; that from a suspension of business their subscription list amounts to little; that for the intelligence of the army, and the information of what is doing in Texas, they have sent a considerable number to the principal cities of the United States: therefore

Resolved, That, for the purposes above mentioned, the convention authorize the said publishers to continue to forward fifty numbers to the army, and the same number to the principal cities in the United States, and to furnish each member with a paper during the session of this body; and that the expenses of the same be paid by the public, at subscription prices.

Ordered to lie on the table one day.

The house, on motion of M. W. Smith, adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, 12th Nov. 1835. }

Nine o'clock A. M. }

The house met pursuant to adjournment.

The journals of proceedings of yesterday were read.

The resolution offered yesterday, by Mr. Barrett, respecting the subscription to the Telegraph and Texas Register, was

called up, and, on motion of Mr. Wharton, was laid on the table until to-morrow.

The president communicated to the house certain propositions from M. B. Lamar, of Columbus, Georgia; which were laid on the table.

Mr. Wharton asked and obtained leave to read to the house a letter addressed to the president of the consultation; which was laid on the table.

Mr. Macomb offered the following:

Resolved, That the major general of the army, under the direction of the governor and council, be required to put in a state of immediate defence, against the incursions of the enemy, the posts of Galveston Bay, Velasco, and Matagorda Bay.

Which was ordered to lie on the table.

Mr. Perry proposed a substitute for that clause of the fourteenth section relating to land offices in the plan for a provisional government.

Which was laid on the table until two o'clock P. M.

On motion of Mr. Everitt, the house went into an election for officers for the provisional government.

The rule, in this case, being suspended,

Mr. Martin nominated for governor, S. F. Austin.

Mr. Parmer nominated for governor, Henry Smith.

Mr. Everitt nominated for lieutenant governor, J. W. Robinson.

When there appeared for Henry Smith, for governor, 31

For S. F. Austin, " 22

For J. W. Robinson, lieut. do. 52

Whereupon Mr. Henry Smith was declared duly elected governor, and J. W. Robinson, lieutenant governor.

Mr. S. Houston asked and obtained leave to read a letter from an officer in the army.

On motion of Mr. Wharton, the house adjourned for fifteen minutes.

The house again met at the expiration of the time for which it adjourned.

When, on motion of Mr. Everitt, they went into an election for major general.

The rule, in this case, being suspended,

On motion of M. W. Smith, S. Houston was elected major general of the armies of Texas.

Whereupon, General Houston, in an eloquent address,

thanked the house for the evidence just given of their confidence in his patriotism and abilities.

On motion of Mr. A. Houston,

Resolved, That there be three commissioners appointed by this body, as agents to the United States of North America, to be commissioned by the governor and council; who shall delegate them such powers, and give them such instructions, as the governor and council may deem expedient.

Which was adopted.

The rule in this case being suspended, Messrs. B. T. Archer, W. H. Wharton and S. F. Austin, were duly elected commissioners under the foregoing resolution.

The president in a very appropriate address tendered to the house his acknowledgements for this additional evidence of their confidence in his zeal, talents and integrity. He then communicated to the house several letters from the army and from the United States.

Mr. Barrett, at the request of the president, (the lobbies being closed,) read a letter addressed to him by General S. F. Austin. And on motion of Mr. Barrett, the several letters were referred to a special committee of five, with instructions to report to the house as soon as possible.

Which was concurred in; whereupon, Messrs. Barrett, A. Houston, Martin, Macomb and Williamson, were appointed that committee. Mr. Zavala was then added to the committee.

On motion, the house adjourned to half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The house met pursuant to adjournment; leave of absence was granted to Mr. Augustine, for the remainder of the session.

On motion of Mr. Perry, the house proceeded to the election for the members of the general council; when it appeared that the following persons were duly elected members of the general council, for their respective municipalities, as follows:

From the municipality of San Augustine, A. Houston.

- “ Austin, Wm. Menifee.
- “ Nacogdoches, Dan'l Parker.
- “ Washington, Jesse Grimes.
- “ Viesca, A. G. Perry.
- “ Mina, D. C. Barrett,
- “ Liberty, Henry Millard,
- “ Tenehaw, Martin Parmer.
- “ Gonzales, J. D. Clements.

From the municipality of Matagorda, R. R. Royal.

“ Harrisburg, W. P. Harris.

“ Columbia, E. Waller.

“ Bevil, W. Hanks.

The oath of office was then administered by the president of the consultation to the officers of the provisional government.

Whereupon, the convention adjourned for fifteen minutes, to afford an opportunity to the governor and council to organize. The house again met after the expiration of the time for which they had adjourned.

The substitute for the fourteenth section of the civil department of the provisional government, offered by Mr. Perry, was rejected. The amendment offered by Mr. Barrett, “ That the archives of the different municipal officers and judges be handed over to their several successors, and that the papers and archives of the political chiefs of the departments of Brazos and Nacogdoches, be forthwith transmitted to the governor and council for their disposal; was, on motion of Mr. S. Houston, adopted.

Mr. M. W. Smith offered a resolution, having for its object a modification of the fourteenth section, as far as that section relates to land offices, as follows, which was rejected:

The ayuntamiento's of jurisdictions wherein there may be land offices established, shall take charge of the papers of the same, and the same safely keep, during the effect of what is heretofore provided, and report thereon to the governor and council.

On motion of Mr. Waller; whereas, the late jurisdiction of Brazoria was changed in name, to that of Columbia, and the seat of justice removed to the town of Columbia, by the congress of Coahuila and Texas, contrary to the wishes, inclinations and interests of a large majority of the citizens of that jurisdiction; therefore,

Be it resolved, That the name of the said jurisdiction be changed, and hereafter called and known by its former name, and the seat of justice established in the town of Brazoria. Which resolution was adopted.

On motion of Mr. Whitaker, the consultation will refuse, hereafter, any matter which the governor and council can act upon.

The following persons were appointed commissienors under the fourteenth section, to take in charge, examine and safely keep the papers and documents relating to the land offices:

Department of Brazos, Messrs. Mitchell, Wharton, Dyer.

Department of Nacogdoches, Messrs. A. E. C. Johnson, S. H. Everitt, J. Leplessner.

The house, on motion, adjourned to eight o'clock this evening.

EIGHT O'CLOCK, EVENING.

The house met pursuant to adjournment.

Mr. Barrett, to whom had been referred certain letters, reported progress, and asked, and had leave to sit again.

On motion of Mr. Waller, *Resolved*, That an express be forthwith sent to the army, requesting the members elect, as commissioners to represent us in the United States of North America, W. H. Wharton and S. F. Austin, to repair immediately to this place for the purpose of accepting their commissions. Which was agreed to.

Mr. Hanks was appointed to carry an express to the army.

On motion of Mr. S. Houston, *Resolved*, by the consultation of the chosen delegates of all Texas, in general convention assembled, That the thanks of this body be returned to the army of the people, for their perseverance, firmness, patriotism and courage in defending the liberties of Texas, and in resisting the encroachments of despotism; and that the president cause a copy of the foregoing resolution to be communicated to the army.

On motion of Mr. W. Smith, the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 13th, 1835. }

EIGHT O'CLOCK, A. M. }

The house met pursuant to adjournment, the journals of the proceedings of yesterday were read.

Mr. Barrett, from the select committee to whom was referred sundry papers and letters, made the following report: which was unanimously adopted.

To the honorable the consultation of all Texas, in general convention assembled—

The select committee, to whom was referred the several letters from General Austin, and other officers of the colonial army, near Bexar, and sundry other communications and documents, connected with our military operations; respectfully reports—

That the communications of General Stephen F. Austin, of the fifth instant, presents several matters interesting and important in our present attitude of resistance against the destroyers of our constitution, and the principles of a military despo-

tism. The subjects are first presented for your consideration, upon which your committee deem it proper to report.

First. The granting letters of marque and reprisal to cruisers upon the high seas by the "provisional government of Texas." This convention, in adopting the declaration of the seventh of November, have organized this power, and by the provisions of the resolution constituting a provisional government, have vested this authority in the governor and general council; consequently these requires no further action upon the subject by this house during its present session.

The *second* contemplates an expedition from New Orleans against Matamoras. This subject your committee regards as important, and concur with the views of the commanding general, as to its certain effects of crippling the enemy and distracting his movements. Your committee, however, from documents now in their possession, have it in their power to inform this house, that a small force of one hundred and fifty men, commanded by General Mexia, armed and equipped at his own expense, has sailed from New Orleans for the port of Tampico or Matamoras, and that a descent from that quarter, from whatever source, in the opinion of your committee, will produce the consequences of annoying the enemy at one unexpected point, and prevent reinforcements being sent to Bexar. Should further operations, hereafter, seem expedient in aiding the enterprise of General Mexia, it enters into the duties of the governor and council of Texas.

Your committee feel bound to report to this house, the grateful emotions induced by the disinterested offer of Major Francis F. Belton, of the United States army, to become the inspector of cannon, arms and other military stores, to be purchased at New Orleans and Mobile, for the use of Texas; and recommend that his services be accepted, and a vote of thanks be passed and recorded upon the journals of this house, and that a copy thereof be forwarded by the president to Major Belton; at the same time informing him of the appointment of Capt. E. Hall, an experienced officer, who is now engaged in performing the same duties, upon a similar offer, who will be united with him.

Your committee in reporting the magnanimous and generous patriotism of Stephen F. Austin, J. W. Fannin and B. F. Smith, in their prompt and voluntary offer, to place their lands and other property at the disposal of this house, to be used as sureties for raising funds in aid of their suffering country, at war with the enemies of their rights and liberties; rejoice in seeing such noble acts recorded with the proceedings of this body, in

such times of difficulty and danger, and recommend a letter of thanks, expressive of the grateful sense of this house, for offers so benevolent and liberal, and that this house accept their several offers, to be used only when imperiously demanded in the most extreme emergency.

Your committee, before closing their report, would respectfully call the attention of this house to the army now in the field. This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house, and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them, nevertheless, your committee recommends that every honorable inducement should be held out for their continuance in their country's service, at any rate until a regular army be ready to take the field, and should Bexar so long hold out against their efforts. Already have this house passed resolutions for their individual compensation, when the resources of the country will permit. The land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of lands; the gratitude of this body, as the representatives of the people of all Texas, has been twice expressed and entered upon the journals of the house, and every effort used to afford supplies of ammunition and provisions within the power of the late council, and of this body; these efforts we recommend to be continued, and that this house recommend the members of the army to elect such officers as are wanting, and that all the officers report themselves to the governor and council for commissions; that their respective ranks be known of record for purposes obviously necessary for their future compensation, and that of the soldiers under them, who may receive discharges from their respective officers, that they may be fully known when a grateful country shall be able to express her thanks in bounties more substantial than mere words. Your committee recommend that the army be encouraged to persevere, with the assurance that every exertion will be used by the provisional government, to aid, comfort and support it which it has within its power, and will co-operate in forwarding its operations.

Your committee would suggest, that much encouragement is afforded for perseverance in military operations, from the unsettled state of the Mexican government. The apprehension of

resistance from the citizens of the republic, is admitted in a late report of a committee of congress, contained in their plan of a form of government, intended to be enforced upon the people by the exertion of military power, against their consent. This disposition will prevent the usurper, Santa Anna, from reinforcing the troops now arrayed against Texas; and gives hopes of a co-operation of our Mexican brethren, in the glorious cause of liberty and the constitution, in which Texas has set the noble example.

D. C. BARRETT, *Chairman of the Committee.*
Committee Room, Nov. 13th, 1838.

On motion of Mr. Mitchell, Robert Peebles was appointed a commissioner under the fourteenth section of the act providing for a government, called the "provisional government," in the place of Mr. John A. Wharton.

On motion of Mr. S. Houston, the house took up the ordinances establishing a provisional government for Texas; whereupon, after several amendments were made, it was, on motion of Mr. Macomb, adopted.

On motion, Messrs. Barrett, Kellogg and Allen, were appointed a committee of enrollment, and were permitted to retire with the secretary to enroll the ordinance just adopted by this convention.

On motion, the house adjourned to six o'clock this evening, to obtain the signatures of the members to the ordinance just past establishing a provisional government; also to receive and sign the *declaration*, prepared on a resolution from this house, passed the eleventh instant, respecting the "Cherokee Indians and their associate bands."

SIX O'CLOCK, P. M.

The house met pursuant to adjournment.

On motion, the members were called to sign the ordinance "establishing a provisional government" by municipalities.

The following is the ordinance thus signed by every member present :

CONVENTION HALL, SAN FELIPE DE AUSTIN, }
November 13th, 1835.

To the honorable the consultation of the chosen delegates of all Texas, in general convention assembled—

Your committee of three to whom was committed the charge of enrolling the plan and powers of the provisional government

of Texas, as finally adopted by this house, respectfully submit the following for your consideration and adoption:

D. C. BARRETT, *Chairman.*

A. G. KELLOGG,

S. T. ALLEN.

ARTICLE I.

That there shall be and there is hereby created, a provisional government for Texas; which shall consist of a governor, a lieutenant governor and a council, to be elected from this body; one member from each municipality, by the majority of each separate delegation present, and the governor and lieutenant governor shall be elected by this body.

ARTICLE II.

The lieutenant governor shall be president of the council, and perform the duties of governor in case of death, absence or from other inability of the governor, during which time a president "pro tem." shall be appointed, to perform the duties of the lieutenant governor in council.

ARTICLE III.

The duties of the general council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires, ever keeping in view the army in the field, and the means necessary for its comfort and support, they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence. Two thirds of the members elect of the general council shall form a quorum to do business; and in order that no vacancy shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately, on information thereof, notify the member elected to fill vacancies, and on his default, any member who has been elected to this body from the same jurisdiction. The governor and council shall be authorised to contract for loans, not to exceed one million of dollars, and to hypothecate the public land, and pledge the faith of the country for the security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient.

They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians concerning their land claims, and if possible to secure their

friendship. They shall establish post offices and post roads, and regulate the rates of postage, and appoint a postmaster general, who shall have competent powers for conducting this department of the provisional government, under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeably to the law of nations.

They shall have power to appoint their own secretary, and other officers of their own body; also, that they have the power to create and fill such offices as they may deem proper: *Provided nevertheless*, That this power does not extend to officers heretofore rejected by this house.

That the governor and council have power to organize, reduce or increase the regular forces, as they may deem the emergencies of the country require.

ARTICLE IV.

The governor, for the time being, and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander-in-chief of the army and navy, and of all the military forces of Texas, by sea and by land; and he shall have full power, by himself, by and with the consent of the council, and by his proper commander, or other officers, from time to time, to train, instruct, exercise and govern the militia and navy, and for the special defence and safety of the country, to assemble in martial array, and put in warlike attitude, the inhabitants thereof, and to lead and conduct them by his proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer, by all proper ways, and enterprises, and means, whatever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprize the destruction of our liberties or the invasion, detriment or annoyance of the country; and by his proper officers use and exercise over the army and navy, and the militia in the actual service, the law martial, in times of war, invasion or rebellion, and to take and surprise, by all honorable ways and means consistent with the laws of nations. all and every such person or persons, with their ships, arms, ammunition and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying our adopted country. And that the governor be clothed with all these and all other powers which may be thought ne-

cessary by the permanent council, calculated to aid and protect the country from her enemies.

ARTICLE V.

There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the latter only to act in the absence or inability of the first, and be nominated by the council, and commissioned by the governor.

ARTICLE VI.

Every judge so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writs of "habeas corpus" in all cases known and practised to, and under the same laws; he shall have power to grant writs of sequestration, attachments or arrest, in all cases established by the "civil code" and "code of practice" of the state of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases, and shall also be made a court of record for conveyances, which may be made in English, and not on stamped paper, and that stamped paper be, in all cases dispensed with; and shall be the "notary public" of their respective municipality. All office fees shall be regulated by the governor and council; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct, each municipality shall continue to elect a sheriff, alcalde and other officers of ayuntamientos.

ARTICLE VII.

All trials shall be by jury; and, in criminal cases, the proceedings shall be regulated and conducted upon the principles of the common law of England, and the penalties prescribed by said laws, in case of conviction, shall be inflicted, unless the offender should be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict, to make his application to the governor and council.

ARTICLE VIII.

The officers of the provisional government, except such as are elected by this house, or the people, shall be appointed by the general council, and *all* officers shall be commissioned by the governor.

ARTICLE IX.

All commissions to officers shall be in the name of the people "free and sovereign," and signed by the governor and

secretary; and all pardons and remissions of fines granted, shall be signed in the same manner.

ARTICLE X.

Every officer and member of the provisional government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the constitution of Mexico of 1824, and obey the declarations and ordinances of "the consultation of the chosen delegates of all Texas in general convention assembled," and the ordinances and decrees of the provisional government; and I will faithfully perform and execute the duties of my office agreeably to law, to the best of my abilities, so help me God."

ARTICLE XI.

On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

ARTICLE XII.

The governor and council shall organize and enter upon their duties immediately after the adjournment of this house, and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

ARTICLE XIII.

The general council shall appoint a treasurer, whose duties shall be clearly defined by them, and who shall give approved security for his faithful performance.

ARTICLE XIV.

That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposite the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry the same into

effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the land officer of the land office, the other to be retained by the said person; and they are enjoined to hold the said papers and documents in safe custody, subject only to the order of the provisional government, or such competent authority as may be hereafter created; and the said persons shall be three from each department, as commissioners, to be forthwith appointed by this house to carry this resolution into full effect, and report thereof to the government and council, (and that the said political chiefs immediately cease their functions.) The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election or appointment; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos, and Bexar, shall be transmitted forthwith to the governor and council for their disposition.

ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the laws on colonization, under which they emigrated; and all persons who may emigrate to Texas during her conflict for constitutional liberty, and perform the duties of citizens, shall also receive the benefits of the law under which they emigrated.

ARTICLE XVI.

The governor and council shall continue to exist as a provisional government, until the re-assembling of this consultation, or until other delegates are elected by the people, and another government established.

ARTICLE XVII.

This convention when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington, on the first day of March next, unless sooner called by the executive and council.

ARTICLE XVIII.

All grants, sales, and conveyances of land, illegally and fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government; *provided, nevertheless, that widows and minors are not included in this provision.*

ARTICLE XX.

All monies now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipt of the treasurer shall be a sufficient voucher for any and all persons who may pay monies into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the state.

ARTICLE XXI.

Ample power and authority shall be delegated, and are hereby given and delegated to the governor and general council of the provisional government of all Texas, to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of all Texas, in general convention assembled, for the creation, establishment, and regulation of the said provisional government.

OF THE MILITARY.

ARTICLE I. There shall be a regular army created for the protection of Texas during the present war.

ART. 2. The regular army of Texas shall consist of one major general, who shall be commander in chief of all the forces called into public service during the war.

ART. 3. The commander-in-chief of the regular army of Texas shall be appointed by the convention and commissioned by the governor.

ART. 4. He shall be subject to the orders of the governor and council.

ART. 5. His staff shall consist of one adjutant general, one inspector general, one quartermaster general, one paymaster general, one surgeon-general, and four aids-de-camp, with their respective ranks as in the United States army, in time of war to be appointed by the major general and commissioned by the governor.

ART. 6. The regular army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ART. 7. The regular army of Texas, while in the service, shall be governed by the rules, regulations, and discipline in all respects applicable to the regular army of the United States of America, in time of war, so far as is applicable to our condition and circumstances.

ART. 8. The regular army of Texas shall consist of eleven hundred and twenty men, rank and file.

ART. 9. There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander-in-chief, when in the field.

ART. 10. The militia of Texas shall be organized as follows: all able bodied men, over sixteen, and under fifty years of age, shall be subject to militia duty.

ART. 11. Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant, to every fifty-six men.

ART. 12. When said election shall have taken place, the judges shall certify to the governor forthwith, the names of the respective officers elected, who shall as soon as practicable make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality, more than three companies, the captain or commandants, on giving due notice thereof, shall call together the subalterns of said companies and proceed to elect one major, if of four companies; one lieutenant colonel, if of five or more companies; one colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall, on due notice, proceed to elect a brigadier general out of their number, who shall command the whole militia in the said municipality.

BRANCH TURNER ARCHER,

President.

Municipality of Austin :

Wyly Martin, R. Jones, Jesse Burnam, William Menifce,

Municipality of Nacogdoches :

Sam. Houston, James W. Robinson, William Whitaker,
Daniel Parker, William N. Sigler.

Municipality of Washington :

Philip Coe, E. Collard, Jesse Grimes, Asa Mitchell, Asa Hoxey.

Municipality of Harrisburg :

Lorenzo de Zavala, C. C. Dyer, John W. Moore, M. W. Smith, David B. Macomb.

Municipality of Liberty :

George M. Patrick, Wm. P. Harris, Henry Millard, J. B. Woods, A. B. Hardin.

Municipality of Gonzalez :

Wm. S. Fisher, J. D. Clements, Geo. W. Davis, James Hodges, William W. Arrington, Benjamin Faqua.

Municipality of Tenehaw :

Martin Parmer.

Municipality of Columbia :

Henry Smith, John A. Wharton, Edwin Waller, John S. D. Byrom.

Municipality of San Augustine :

A. Houston, William N. Sigler, A. E. C. Johnson, A. Horton, A. G. Kellogg.

Municipality of Mina :

D. C. Barrett, J. S. Lester, R. M. Williamson.

Municipality of Matagorda :

R. R. Royall, Chas. Wilson.

Municipality of Bevil :

S. H. Eyeritt, John Bevil, Wyatt Hanks.

Municipality of Viesca :

Saml. T. Allen, A. G. Perry, J. G. W. Pierson, Alexander Thompson, Jas. W. Parker.

Municipality of Jefferson :

Claiborne West.

P. B. DEXTER, Secretary.

On motion of Mr. John A. Wharton,

Resolved, That the thanks of the chosen delegates of all Texas, in general convention assembled, be tendered to Capt. John M. Collingsworth, and his associates in arms, for their gallant and patriotic conduct in taking Goliad, and that the secretary furnish them with a copy of the same; which was unanimously adopted.

The following persons were appointed, under the 14th section of the organic law, as commissioners for the department of Bexar, viz: Messrs. Kerr, Sutherland, Linn and Williamson.

On motion of Mr. Wharton, it was

Resolved, That the governor and council be empowered to issue writs of election to fill the vacancies that may occur in this body, and for the representation of those jurisdictions not yet represented, or to cause a new election in toto for delegates to the convention of the first of March next.

On motion, the salaries of the officers of the provisional government were fixed: governor, fifteen hundred dollars; lieutenant governor, twelve hundred and fifty dollars; members of council, per diem, three dollars, and three dollars for every twenty-five miles travel, from and to their place of residence; secretary of convention, six dollars; door-keeper, two dollars.

On motion of Mr. A. Houston, it was

Resolved, That the members of this convention take a certificate from the secretary of the time of their services and the distance of travelling.

Mr. Wharton, from the committee to whom was referred the letter from Messrs. McKinny & Williams, made report and read a letter.

On motion of Mr. S. Houston, the whole was referred to the general council.

The committee of three, whose duty it was made to report a declaration in conformity to the report adopted by this consultation, respecting the Cherokee Indians and their associate bands, and whose duty it was made to report a declaration, in conformity to the report adopted by this house, reported the following declaration, which was read and adopted, on motion of Mr. Barrett:

BE IT SOLEMNLY DECREED,

That we, the chosen delegates of the consultation of all Texas, in general convention assembled, SOLEMNLY DECLARE,

That the Cherokee Indians, and their associate bands, twelve tribes in number, agreeably to their late general council in Texas, have derived their just claims to lands included within the bounds hereinafter mentioned, from the government of Mexico, from whom we have also derived our rights to the soil by grant and occupancy.

We solemnly declare, that the boundaries of the claims of the said Indians to land is as follows, to wit: lying north of the

San Antonio road and the Neches, and west of the Angeline and Sabine rivers.

We solemnly declare, that the governor and general council, immediately on its organization, shall appoint commissioners to treat with the said Indians, to establish the definite boundary of their territory, and secure their confidence and friendship.

We solemnly declare, that we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own.

We solemnly declare, that all grants, surveys and locations of lands within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are, and of right ought to be, utterly null and void; and that the commissioners issuing the same be, and are hereby, ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government.

We solemnly declare, that it is our sincere desire that the Cherokee Indians, and their associate bands, shall remain our friends in peace and war; and if they do so, we pledge the public faith for the support of the foregoing declarations.

We solemnly declare, that they are entitled to our consideration and protection, as the just owners of the soil, as an unfortunate race of people that we wish to hold as friends, and treat with justice, deeply and solemnly impressed with these sentiments, as a mark of sincerity, your committee would respectfully recommend the adoption of the following resolution.

Resolved, That the members of this convention, now present, sign this declaration and pledge of the public faith, on the part of the people of Texas.

Done in convention at San Felipe de Austin, this 13th November, A. D. 1835:

John A. Wharton;
Sam Houston,
Charles Wilson;
James Hodges,
John Bevil;
Alex. Thompson,
D. C. Barrett,
J. Burnam,
A. Horton,
Dan'l Parker;

B. T. ARCHER, *President*.

John W. Moore,
Samuel T. Allen,
James W. Robinson;
Jesse Grimes,
Wyly Martin,
David B. Macomb,
E. Collard,
M. W. Smith,
William Meniffee,
William N. Sigler;

John S. D. Byrom,
 A. G. Perry,
 C. C. Dyer,
 J. D. Clements,
 James W. Parker,
 G. W. Davis,
 A. E. C. Johnson,
 Martin Parmer,
 S. H. Everitt,
 Philip Coe,
 Claiborne West,
 J. S. Lester,
 Joseph L. Hood,
 Asa Hoxby,
 Asa Mitchell,
 R. M. Williamson,
 A. Houston,

William W. Arrington,
 William S. Fisher,
 J. G. W. Pierson,
 R. Jones,
 Lorenzo de Zavala,
 Edwin Waller,
 William P. Harris,
 William Whitaker,
 Albert G. Kellogg,
 George M. Patrick,
 R. R. Royall,
 Benjamin Fuqua,
 Wyatt Hanks,
 Henry Millard,
 A. B. Hardin,
 Henry Smith.

P. B. DEXTER, *Secretary.*

On motion, the house adjourned to nine o'clock to-morrow

SAN FELIPE DE AUSTIN, Nov. 14, 1835. }

Nine o'clock, A. M. }

The house met pursuant to adjournment.

The journal of yesterday's proceedings was read.

On motion of Mr. Wharton, Mr. Wood's resolution was struck from the journal, together with the proceedings had thereon.

Mr. C. West was sworn as a member of the general council, from the jurisdiction of Jefferson.

On motion of Mr. Johnson,

Resolved, That the consultation of all Texas in general convention assembled, recommend to the army of the people to abandon the proposed seige of San Antonio, and that they fall back upon La Bahia and Gonzales, and place themselves in a condition of safety, by leaving a sufficient number of men, and the balance of the army be furloughed to their homes, to join the army by the first of March, or so soon as the emergencies of the country may require.

Which was refused to be considered by the house.

On motion of Mr. Robinson,

Resolved, That the thanks of this body be given to the president of this convention for the able and dignified manner he has discharged the arduous duties of presiding over this body.

Which resolution was unanimously adopted.

Resolved, That the thanks of this house be tendered to the secretary for the faithful, prompt and efficient discharge of his duty.

Which was also unanimously adopted.

On motion of Mr. M. W. Smith,

Resolved, That this house now adjourn to meet on the first day of March next, unless sooner called by the governor and council; and that all the members of this body, who can repair to San Antonio to assist our fellow citizens in the field.

Whereupon the house adjourned.

P. B. DEXTER, *Secretary*.